

## REMARKS

This preliminary amendment is being submitted in conjunction with a "Utility Patent Application Transmittal" for filing a divisional application pursuant to 37 C.F.R. § 1.53(b) (hereafter the "Transmittal"). As noted in the Transmittal, the above-captioned application is a division of pending U.S. patent application Serial No. 10/255,450, which itself is a division of U.S. patent application Serial No. 09/599,213 filed June 22, 2000 (now U.S. Patent No. 6,465,458). In the '213 application, the U.S. Patent and Trademark Office issued an official action dated August 21, 2001, requiring the applicants "to elect a single disclosed species (i.e. a particular compound and a condition to be treated)." In response to the action, the applicants elected claims reciting an optically pure (S,S) reboxetine for the treatment of chronic pain. The present application includes claims (after entry of the amendments herein) reciting methods of treating an individual suffering from peripheral neuropathy and methods of preventing an individual from experiencing peripheral neuropathy. Accordingly, the methods recited herein by the amended claims do not read on the election made in the '213 application. It is submitted that no new matter is being introduced by the amendment.

The title of the application has been amended to be consistent with the claims. Furthermore, the specification has been amended to update the cross-reference to related applications.

Claims 1, 38, and 39 have been amended to recite methods of treating an individual suffering from peripheral neuropathy or methods of preventing an individual from having peripheral neuropathy by administration of a therapeutically effective amount of a composition comprising a compound having a pharmacological selectivity of serotonin ( $K_i$ )/norepinephrine ( $K_i$ ) of at least about 5000, such as, for example, an optically pure (S,S) reboxetine, or a pharmaceutically acceptable salt thereof, wherein the optically pure (S,S) reboxetine is substantially free of (R,R) reboxetine. Support for the amendment to these claims can be found in the claims and specification of the prior application (e.g., the '450 and '213 applications), for example, in claim 18, and in the specification at, for example, page 10, line 26, page 18, lines 20-22, and page 19, lines 10-11. Claims 18-31 and 41-53 have been canceled, without prejudice. Accordingly, by virtue of this amendment, claims 1-17 and 32-40 are pending.

**CONCLUSION**

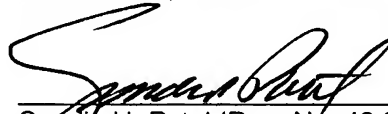
Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is urged to contact the undersigned attorney.

Respectfully submitted,

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By:



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